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6 NICHOLAS SATTER

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 *Plaintiff,*

13 vs.

14 NICHOLAS SATTER,

15 *Defendant.*
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Case Nos: 5:20-po-00352-JLT; 5:21-po-00023-JLT; 5:21-po-00025-JLT; 5:21-po-00133-JLT; 5:21-po-00134-JLT; 5:21-po-00135-JLT

**MEMORANDUM OF PLEA AGREEMENT;
AND [~~PROPOSED~~] ORDER**

18 Pursuant to Rule 11(c)(1) of the Federal Rules of Criminal Procedure, the United States of
19 America, by and through Phillip A. Talbert, Acting United States Attorney for the Eastern District
20 of California, and Special Assistant United States Attorney Philip N. Tankovich, has agreed with
21 the defendant, Nicholas Satter, and his attorney, Assistant Federal Defender Christina Corcoran, as
22 follows:

23 Defendant, Nicholas Satter, will plead guilty to a violation of 36 CFR § 261.52(e) as set
24 forth in Violation Notice FBBP007R in Case No. 5:21-po-00133-JLT. The parties agree and ask
25 that Mr. Satter be sentenced to: 12 months of unsupervised probation, and pay an \$80.00 fine. With
26 this agreement, the government agrees to dismiss the remaining charges across all above-listed
27 cases. This Plea Agreement is limited to the United States Attorney's Office for the Eastern
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District of California and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities.

1. Charges

Nicholas Satter has been charged by Violation Notice with four counts of violating 36 CFR § 261.54(d) (Operating a vehicle in violation of . . . limitations specified by the order); three counts of violating 36 CFR § 261.11(b) (Possessing or leaving refuse, debris, or litter in an exposed or unsanitary condition); one count of violating 36 CFR § 261.12(d) (Blocking, restricting, or otherwise interfering with the use of a road, trail, or gate); one count of violating 36 CFR § 261.52(e) (Going into or being upon an area); one count of violating 36 CFR § 261.11(d) (Failing to dispose of all garbage); one count of violating 36 CFR § 261.10(b) ([O]ccupying or using a residence on national Forest System lands . . .); and one count of violating 36 CFR § 261.16(m) (Illegal parking).

2. Agreements by the Defendant

(a) The defendant agrees that this Plea Agreement shall be filed with the Court and become a part of the record of the case.

(b) The defendant agrees to enter a plea of guilty to Violation Number FBBP007R in Case No. 5:21-po-00133-JLT, a violation of 36 CFR § 261.52(e).

(c) The defendant agrees to: 1) submit to 12 months of unsupervised probation; and 2) pay an \$80 fine. Fine to be paid in full by February 28, 2022. While on probation, Mr. Satter is expected to obey all federal, state, and local laws. An offense that can be charged only as an infraction will not be considered a “violation of the law” within the meaning of this agreement.

(d) The defendant knowingly and voluntarily waives his Constitutional, statutory and legal rights to appeal his plea, conviction, or sentence. This waiver of appeal includes, but is not limited to, an express waiver of the defendant’s right to appeal his plea, conviction, or sentence on any ground, including any special appeal right conferred by 18 U.S.C. § 3742 or otherwise. The defendant further agrees not to contest his plea, conviction, or sentence in any post-conviction proceeding, including but not limited to a proceeding under 28 U.S.C. §§ 2255, except for nonwaivable claims.

1 (e) The Defendant acknowledges that his plea of guilty is voluntary and that no force,
2 threats, promises, or representations have been made to anybody, nor agreement reached, other
3 than those set forth expressly in this Plea Agreement, to induce the Defendant to plead guilty.

4 (f) The defendant agrees to waive all rights under the "Hyde Amendment," Section
5 617, P.L. 105-119 (Nov. 26, 1997), to recover attorneys' fees or other litigation expenses in
6 connection with the investigation and prosecution of all charges in the above-captioned matter
7 and of any related allegations (including without limitation any charges to be dismissed
8 pursuant to this Agreement and any charges previously dismissed).

9 (g) Should the defendant not be a citizen of the United States, the defendant hereby
10 acknowledges that adverse immigration consequences, including but not limited to removal
11 from the United States, exclusion from admission into the United States, and/or denial of
12 naturalization in the United States, may result from his plea.

13 3. Agreements by the Government

14 (a) The government agrees to recommend the sentence set forth above.

15 (b) The government agrees to dismiss the remaining charges in the referenced cases and
16 Violation Notices.

17 (c) The government agrees to waive any mandatory appearance requirement for the
18 Defendant upon execution of this agreement.

19 4. Nature, Elements and Possible Defenses

20 The defendant has read the charges against him contained in the citations, and those
21 charges have been fully explained to him by his attorney. Further, the defendant fully understands
22 the nature and elements of the crime in the citation to which he is pleading guilty, together with the
23 possible defenses thereto, and has discussed them with his attorney.

24 5. Factual Basis

25 The defendant concedes that he will plead, and is pleading, guilty to Violation Number
26 FBBP007R in Case No. 5:21-po-00133-JLT, a violation of 36 CFR § 261.52(e), because he is, in
27 fact, guilty of that offense. The defendant also agrees that the following are the true and correct
28 facts of this case:

1 On or about September 29, 2020, while in the Sequoia National Forest, on land
2 administered by the United States National Forest Service, Nicholas Satter was
3 in an area of the Sequoia National Forest that had been closed by order. This
occurred in violation of Title 36 of the Code of Federal Regulations, Section
261.52(e).

4 6. Waiver of Rights

5 The defendant understands that by pleading guilty he surrenders certain rights, including
6 the following:

7 (a) If the defendant persisted in a plea of not guilty to the charges against him, he
8 would have the right to a public and speedy trial by a judge sitting without a jury.

9 (b) The judge would find the facts and determine, after hearing all the evidence,
10 whether or not the judge was persuaded of the defendant's guilt beyond a reasonable doubt.

11 (c) At a trial, the government would be required to present its witnesses and other
12 evidence against the defendant and prove each element of the charge against the defendant
13 beyond a reasonable doubt. The defendant would be able to confront those government
14 witnesses and his attorney would be able to cross-examine them. In turn, the defendant could
15 present witnesses and other evidence on his own behalf. If the witnesses for the defendant
16 would not appear voluntarily, he could require their attendance through the subpoena power of
17 the Court. At trial, the defendant would also have the right to assistance of legal counsel. If he
18 could not afford legal counsel, one would be appointed for him by the Court at no expense to
19 him.

20 (d) At trial, the defendant would have a privilege against self-incrimination so that he
21 could decline to testify, and no inference of guilt could be drawn from this refusal to testify.

22 (e) The defendant understands that y pleading guilty he is waiving all of the rights set
23 forth above, and acknowledges that his attorney has explained to him those rights and the
24 consequences of his waiver of those rights.

25 7. Entire Agreement

26 This written agreement sets forth all of the terms of the agreement and is enforceable only
27 as to the terms set forth herein.
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PHILLIP A. TALBERT
Acting United States Attorney

Dated: July 6, 2021

/s/ Jeffrey A. Spivak
JEFFREY A. SPIVAK
Assistant United States Attorney
Attorney for Plaintiff

Dated: July 1, 2021

/s/ Nicholas Satter
NICHOLAS SATTER
Defendant

Dated: July 1, 2021

/s/ Christina M. Corcoran
CHRISTINA M. CORCORAN
Assistant Federal Defender
Attorney for Defendant
NICHOLAS SATTER

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[PROPOSED] O R D E R

The Court accepts the plea agreement, finds a sufficient factual basis for the plea, and finds Defendant, Nicholas Satter, guilty of violating 36 Code of Federal Regulations § 261.52(e) as alleged in the Violation Notice. The Court sentences Mr. Satter to 12 months of unsupervised probation, and to pay a fine of \$80.00. All previously scheduled hearings are vacated, and no further appearances are required. The fine SHALL be paid by February 28, 2022.

IT IS SO ORDERED.

Dated: July 6, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE